

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**CSX TRANSPORTATION, INC.,
individually and on behalf of
NORFOLK AND PORTSMOUTH BELT LINE
RAILROAD COMPANY,**

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-LRL

NORFOLK SOUTHERN RAILWAY COMPANY, *et al.*,

Defendants.

[PROPOSED] ORDER GRANTING MOTION TO SEAL

This matter comes before the Court on defendant Norfolk and Portsmouth Belt Line Railroad Company's motion, pursuant to Local Civil Rule 5 and the Stipulated Protective Order entered on October 29, 2019 (D.E. 79), to file under seal Exhibit A to the memorandum in support of its motion for partial summary judgment on damages, as well as references to the exhibit in the body of the memorandum in support. Exhibit A is a copy of plaintiff CSX Transportation Inc.'s Rule 26(a)(1) disclosures, which were designated by CSXT as "confidential." Upon consideration of the motion and related filings, the Court is of the opinion that the motion should be granted.

There are three requirements for sealing court filings: (1) public notice with opportunity to object; (2) consideration of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and reject alternatives to sealing. *Flexible Benefits Council v. Feldman*, No. 1:08-CV-371, 2008 U.S. Dist. LEXIS 93039 (E.D. Va. Nov. 13, 2008) (citing *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000)). Even when no party challenges a motion to seal, the Court must still ensure the motion is supported by good cause. *Auburn Univ. v. IBM Corp.*, No. 3:0-cv-694-MEF, unpublished, 2010 WL 3927737 (M.D. Ala. Oct. 4, 2010).

